

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 31 and 33-42 are pending in this application; and claims 31 and 33 are under active consideration. Claim 33 is amended; and claims 31 and 34-42 are canceled without prejudice to pursuing the canceled subject matter in a continuing application. Applicant requests entry of the amendments and remarks made herein into the file history of the application. Upon entry of the amendments, claim 33 will be pending and under active consideration.

b. Amendments to the Claims

Claim 33 is amended to be in independent form.

c. Declaration

At item 3 of the Office Action, the Examiner asserts that the declaration is defective. Submitted herewith is a supplemental declaration in compliance with 37 C.F.R. § 1.67(a), executed by the inventor Jingwu Z. Zang, which is the correct spelling of the inventor's name.

d. Inventor's Name

At item 10 of the Office Action, the Examiner asserts that it is unclear if the difference in the spelling of the inventor's name in the instant application compared to the priority documents is the result of a clerical error. Applicant submits that the difference is due to a transliteration error in the spelling in the inventor's name. As discussed above, the inventor's declaration submitted herewith indicates the correct spelling of his name—Jingwu Z. Zang. This is the same spelling indicated in the international application of which this is the national stage (*i.e.*, PCT/US03/24548). *See* Appendix A. Additionally, according to MPEP §§ 201.03 and 605.04(b), correction of inventorship under 37 C.F.R. § 1.48 is not necessary, but rather simply notifying the Office of a transliteration error in the spelling of an inventor's name is sufficient to correct the error. Applicant has notified the Office of the transliteration error in connection with priority U.S. Provisional App. No. 60/402,521. A copy of this notification is submitted herewith. Accordingly, the inventor's last name is now consistently spelled Zang in this application and in the priority applications. In view of the foregoing, Applicant submits that there is no issue regarding inventorship in this application.

e. Information Disclosure Statement

At item 12 of the Office Action, the Examiner states that references B3, B4, C1-C3, C36, and C57-C62 were not considered because the references were not provided in their entirety, could

not be located, or Applicant did not provide copies of them. Submitted herewith are copies of these references for the Examiner's consideration, as well as a supplemental Information Disclosure Statement.

2. Patentability Remarks

a. 35 U.S.C. § 102(b)

At item 5 of the Office Action, the Examiner rejects claim 31 under 35 U.S.C. § 102(b) as allegedly being anticipated by Correale, *et al.* (J. Neuroimmunol., 2000;107:130-9). Claim 31 is canceled, thereby rendering the rejection moot. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 102(b).

b. 35 U.S.C. § 103(a)

At items 6-8 of the Office Action, the Examiner rejects claim 31 under 35 U.S.C. § 103(a) as allegedly being obvious over Zhang, *et al.* (Science, 1993;261:1451-4) in view of Zhang (Crit. Rev. Immunol., 2001;21:41-55) ("Zhang 2001" hereafter), Tejada-Simon, *et al.* (International Immunol., 2000;12(12):1641-50) ("Tejada-Simon 2000" hereafter) and WO/97/35879 A1 (the "'879 Publication" hereafter), and over US 2003/0091578 A1 in view of Zhang 2001, Tejada-Simon 2000, and the '879 Publication. Claim 31 is canceled, thereby rendering the rejection moot. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

c. Allowability of Claim 33

At item 9 of the Office Action, the Examiner states that claim 33 is allowable if it is rewritten in independent form. Amended claim 33 is in independent form, and includes all of the limitations of base claim 31. In view of the foregoing, Applicant respectfully submits that amended claim 33 is allowable.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHUGHART PC

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